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Elimination of racism, racial discrimination, xenophobia and related intolerance

Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union

Note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General

The Permanent Mission of the People's Republic of Bangladesh to the United Nations presents its compliments to the Secretary-General and, on behalf of Bangladesh in its capacity as Chair of the Governing Council of the Inter-Parliamentary Union, has the honour to transmit herewith the text of the declaration from the general debate on the imperative for fairer, smarter and more humane migration, endorsed on 21 October 2015 by the 133rd Assembly of the Inter-Parliamentary Union, held in Geneva (see annex).

The Permanent Mission requests that the present note verbale and its annex be circulated as a document of the General Assembly, under agenda items 70 and 124.

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Annex to the note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General

[Original: English and French]

Declaration from the general debate on the imperative for fairer, smarter and more humane migration

Endorsed on 21 October 2015 by the 133rd Assembly of the Inter-Parliamentary Union, held in Geneva

We, parliamentarians from over 135 countries gathered in Geneva at the 133rd IPU Assembly, debated the imperative for fairer, smarter and more humane migration.

International migration in today's world presents multifaceted challenges and opportunities. It has become an increasingly complex global phenomenon, which involves mixed migration flows comprising migrant workers, asylum seekers and individuals who move for a combination of reasons, as well as those who are known as "survival migrants".

The root causes of forced migration are often foreseeable. These include armed conflict, violent extremism, extreme poverty, food insecurity, climate change, forced enrolment in State and non-State armies and militias, harmful traditional practices and gender-based violence. These complex and sometimes novel challenges result in additional risks, especially human trafficking and migrant smuggling, with more and more people found in distress at sea and in deserts. Girls are subjected to particular risks, such as torture, sexual slavery, forced labour and other forms of abuse, both in transit and in destination countries.

This situation calls for action. This action must be guided by the principle that migrants are not numbers, but human beings. As rights-bearers, they are to be treated with dignity and with respect for their human rights, regardless of their motive for leaving their homes or their status as regular or irregular migrants.

We recall that the 2030 Agenda for Sustainable Development urges us to ensure that migration is regulated in an "orderly, safe, regular and responsible" manner. For this purpose, governments must adopt well-managed migration policies that enable migrants to fully develop their potential to contribute to human and economic development.

Migration is an opportunity. We recognize that migration yields significant benefits for host countries and countries of origin, as well as for individuals, families and communities. Destination countries benefit from the diversity that migrants bring: new skills, a much-needed workforce, new contributions to their economies and the opportunity to counter the economic challenges posed by ageing populations. But host societies also face challenges in ensuring fair working conditions for all, as well as social cohesion through appropriate schemes of integration. As far as countries of origin are concerned, they benefit from remittances, investments from diaspora networks and from the newly acquired skills and experiences of returning migrants, but they also have to cope with the

challenges of "brain drain" and separated families, which may result in children being left without proper care.

Migration should be safe. Persons fleeing persecution require special legal protection as refugees. In a context of mixed migration, it is important to ensure that asylum seekers have an opportunity to lodge their claims and be duly heard. The return of persons whose asylum claims have been rejected after a full and fair hearing, and of irregular migrants, must be conducted in a safe and humane manner, with due respect for the principles of non-refoulement and prohibition of torture and cruel, inhuman or degrading treatment or punishment, while also upholding the best interests of the child and the right to respect for private and family life.

Similarly, migrant women and children require particular attention and protection from abuse, exploitation and violence. Migrants working in the informal sector require particular social and legal protection, given their vulnerability to exploitation and abuse in such situations.

Migration must be constructive. The social integration of migrants and refugees is best ensured when host countries provide children and young adults with unhindered access to education, and ensure access to employment, health and social services to all, while authorizing family reunification is made possible. Mutual respect for cultural differences is a shared responsibility of host societies and migrants, on the understanding that everyone is bound to respect the laws of the land and is entitled to enjoy his or her human rights. We must recognize the contribution of migrants to our societies, and must enact specific legislation to prohibit discrimination and combat xenophobia.

Migration is a reality. An understanding of the push and pull factors of migration calls for expanding safe and regular channels of migration. In addition, the current situation in the Mediterranean and in other parts of the world and the prevalence of migrant smuggling and human trafficking, as well as xenophobia, call for urgent, coordinated and robust action to save lives, show solidarity and mitigate the effects of sudden and large migration flows.

We parliamentarians have a particular responsibility in this area. We must demonstrate political leadership, listen to and voice the concerns of our constituents, raise awareness, oversee government action and support it, inter alia, by adequately resourcing the responsible bodies. We must also promote the common interest and respect for human dignity and rights above all considerations. This will require redoubling efforts and commitments, and working together across regions, countries, political parties and communities to ensure fair and concerted responses to this global phenomenon.

As parliamentarians, we commit to working towards fairer, smarter and more humane migration, Including through the following action:

Building and implementing a protective legal framework

- Ratify, and ensure the implementation of, conventions protecting the rights of migrants and refugees. These include:
    - The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

- The Convention relating to the Status of Refugees (1951) and its Protocol (1967),
- The United Nations Convention against Transnational Organized Crime, and its Protocols on trafficking in persons and the smuggling of migrants,
- The Convention on the Elimination of All Forms of Discrimination against Women,
- The International Convention for the Protection of All Persons from Enforced Disappearance,
- The Migration for Employment Convention, 1949 (ILO Convention No. 97),
- The Migrant Workers (Supplementary Provisions) Convention, 1975 (ILO Convention No. 143),
- The Private Employment Agencies Convention, 1997 (ILO Convention No. 181),
- The Domestic Workers Convention, 2011 (ILO Convention No. 189),
- as well as other relevant regional and international instruments;
- Encourage legal responses, whether globally or nationally, to address gaps and grey areas in the legal protection of migrants and refugees. These can include, inter alia, the law of the sea on the responsibility for searching and rescuing persons found in distress at sea, and the laws on responsibility for persons fleeing environmental disasters;
- Oversee the implementation of laws and policies and their impact on migrants, asylum seekers and refugees from a human-rights perspective, with a particular focus on refugee protection, gender equality and the rights of the child;

Ensure fairness, non-discrimination and respect for the human rights of migrants

- Revise existing legislation so as to remove any obstacles to access to basic services such as education, health care and social benefits for all migrants, asylum seekers and refugees, regardless of their status;
- Promote and monitor coordination among States in the areas of migration and asylum through bilateral, regional and international procedures, including through consultation mechanisms on responsibility-sharing in hosting refugees, ensuring that migration agreements comply with human rights and international labour standards, and the prosecution of human traffickers;
- Design and implement effective regulation of recruitment, particularly of low-skilled migrant workers, and promote fair recruitment practices;
- Promote safe, regular channels for migration, including legal entry and residence schemes for study, work, humanitarian and family reunification purposes in a fair and responsible manner that does not discriminate against unskilled or low-skilled migrants, women and young men, and that aims to benefit all concerned, i.e. migrants themselves, the host country's population and the economy of both the country of origin and the country of destination;

- Ensure the right to decent work for all, and in particular that non-discriminatory labour standards and the rights enshrined in fundamental ILO Conventions, as well as effective labour inspections, apply to sectors of the economy employing mainly migrant workers, and in particular migrant women, such as domestic work and caring services;
- Protect all migrant workers from discrimination and abuse, such as sexual and other forms of gender-based violence and forced organ-harvesting;
- Revise legislation so as to ensure access to justice for any person on our territory, regardless of nationality and migration status;
- Seek alternatives to the administrative detention of undocumented migrants, and especially of unaccompanied or separated children or entire families, and refrain from criminalizing irregular migration;

Work for social cohesion, and peaceful and inclusive societies

- Lead by example, by speaking out against xenophobia and racism, recognizing the contribution of migrants to society and refraining from referring to migrants in an irregular situation as "illegal" or "clandestine"; challenge and combat stereotypes relating to migrants, in particular migrant young men;
- Build empirically based knowledge and foster balanced public debate on the causes, challenges and benefits of migration, so as to inform national policies; promote the inclusion of migrant perspectives in political and public forums, including the participation of migrants, civil society groups and social partners in parliamentary discussions, inter alia in public and committee hearings;
- Take the lead in communicating rationally and factually on migration, while bearing in mind the human dimension of the issue;
- Promote anti-discrimination legislation, including the prohibition of discrimination on the basis of nationality and migration status, as well as criminal legislation against hate speech in line with the UN-led Rabat Plan of Action on the prohibition of advocacy of national, racial and religious hatred that constitutes incitement to discrimination, hostility or violence, aiming to strike a proper balance between freedom of expression and the vital need to protect individuals and communities from discrimination and violence, as enshrined in international law;
- Support and enhance the contributions of the diaspora, inter alia by facilitating their remittances and investments and by ensuring their participation in national decision-making;
- Promote implementation of the 2030 Agenda for Sustainable Development and the existing migration-specific goals (target 8.8 on the protection of the rights of migrant workers, in particular women and those in vulnerable situations, and target 10.7 on planned and well-managed migration policies), and the systematic disaggregation of data by migration status.